

FACULTY OF LAW

Report. 1911

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To His Honor

The Lieutenant Governor of
the Province of Manitoba.

By Letters Patent, bearing date the twenty-second day of November, A. D. 1910, I was appointed a Commissioner to investigate into and report upon all and any the charges referred to in a resolution of the Council of the City of Winnipeg, passed on the twenty-first day of November, A. D. 1910, which recites as follows:

WHEREAS, according to reports contained in the press allegations of graft have been made against the police authorities in the City of Winnipeg, and it is stated that houses of prostitution pay for police protection;

AND WHEREAS it appears by the press that the Rev. J. G. Shearer gave an interview in which he declares, among other things, that Winnipeg has the rottenest condition of things in regard to the question of social vice, to be found in any city in Canada, and that the City of Winnipeg has a segregated area containing fifty-three houses of ill-fame which could be closed within twenty-four hours if the authorities were desirous of closing them, but that beyond the fining of the keepers at regular intervals for selling liquor illegally, there is no attempt to suppress them, and that these dives sell liquor 24 hours a day, seven days a week, and as the price of being permitted so to do, each house pays \$400. a year and is subject to certain rules and regulations established for them, all of which are contrary to the Criminal Code." &c.

I at once proceeded to inquire into said matters, and, for that purpose, held public sittings at the City of Winnipeg, taking evidence under oath. The stenographic transcript of the evidence accompanies this report.

The circumstance which gave rise to the matters referred to was an interview which took place between the Rev. John G. Shearer and the representatives of certain newspapers published in the City of Toronto, namely, The Globe, The Mail and Empire

and the World.

The evidence of Dr. Shearer disclosed that he is General Secretary for Canada of the Moral and Social Reform Council of Canada, whose objects are sufficiently indicated by its name; that Dr. Shearer, having returned to Toronto after a journey, with others engaged in a like work, through Western Canada and other places, had been called on by the newspaper representatives referred to, and had made certain statements concerning the aspect of affairs in which his Council was interested. His statement dealt with conditions in various places in Western Canada and some Cities of the Western States of the American Union. Dr. Shearer was more specific in his statements regarding Winnipeg. Apart from the head lines, and with certain verbal corrections, Dr. Shearer accepted as authentic the report contained in the Toronto Globe (Nov. 12, 1910) as far as Winnipeg was concerned.

That report reads thus:

"They have the rottenest condition of things in Winnipeg in connection with the question of social vice to be found in any City in Canada."

With the above sentence as preface, Rev. Dr. J. G. Shearer in an interview with a Globe reporter yesterday, launched a strong indictment against the police officials in the prairie city. He detailed circumstances which he believed to be strongly suggestive of graft. Not the least telling of his points against segregated areas for a certain class of women, was the fact that it offered a ready market for the white slave trade. He gave instances of this.

" " " " " "

Dr. Shearer said: "Two years ago they had no vice district in Winnipeg. One year ago they had twenty-nine houses in a restricted area. Now they have fifty-three houses, with probably two hundred and fifty inmates. Every one of these is criminal under the terms of the Code of Canada, yet they are permitted to exist, and instead of the Criminal Code, certain rules and regulations are established for them."

"Here are some of them: 'they must not play the piano too loudly. They must not make noise enough to attract attention on the street. They must not have white female cooks. They must not solicit from the windows and doors.'" All of these regulations are, of course, from time to time violated."

"Everyone of these criminal dens is also an illicit liquor dive. Remarkable to say, the inmates receive summonses regularly each quarter from the Provincial license authorities. They come before the Provincial magistrate and pay over \$100.00 and costs. Then they are not disturbed for another three months. These dives sell liquor twenty-four hours a day, seven days a week, and as the price of being permitted so to do, each house pays this \$400.00 a year."

" " " " " " "

Speaking of the white slave traffic, Dr. Shearer said: "Some half a dozen of white slave victims have been marketed within the past year in the vice district of Winnipeg. Four of these have recently been deported, two being sent to Scandinavia and two to the United States. One is waiting deportation to England. Two of these cases were discovered through the efforts of our Federation and its detectives while in Winnipeg."

Dr. Shearer was also subsequently interviewed by a representative of the Mail and Empire newspaper. A report of the interview was published in the issue of that newspaper of about Nov. 18, 1910. The portion containing allegations of fact is as follows:

"In the first place I reiterate the statement I previously made, and affirm that it was a moderate statement of conditions that I know to prevail in Winnipeg. The Winnipeg City Hall officials will not deny that they have a segregated vice district, in which is permitted the carrying on of the criminal business of social vice -- criminal, because expressly prohibited by the Code of Canada. There are in round numbers 50 of these dens of vice. Every one of the fifty keepers, every one of the 250, or thereabouts, inmates, and every male frequenter, whether he be a

prominent citizen of Winnipeg or not, is a criminal in the term of the code. In addition to this, everyone of these 50 dens of vice is also an illicit liquor dive in spite of the license law of Manitoba, every day of the week and at all hours of the day or night. The officials moreover, will not deny that no serious attempt is made to close up these dens of vice or to put a stop to the running of these liquor dives. It is not easy to believe that such an utterly disgraceful condition of things is permitted day after day, week after week, and month after month, either for love of vice and crime or on any high moral principle. What then is the motive? Members of the City Council and City Hall officials are said to complain bitterly that I have been guilty of blackening the fair name of Winnipeg. I have only said what is the truth, and moreover, by no means all of the wretched truth. The true blackeners of the fair name of Winnipeg are those that are responsible for this criminal, disgraceful and debasing condition of things. The vice area has become one of the great show places of Winnipeg. The real villifiers of the good name of Winnipeg are those that are responsible for the permission, if not the careful protection, of this moral cesspool, the stench of which is making itself felt to the discredit of Winnipeg throughout the Dominion and elsewhere."

An article based on the interview first above quoted appeared about the same time, as well as in The Globe, in the Toronto newspapers known as The Mail and Empire; the News; The World; The Star. The articles were published with prominent headlines containing statements either wholly false or grossly exaggerated. Dr. Shearer disclaimed responsibility for these headlines, and himself testified to their inaccuracy. The publishers of the various newspapers were notified of the Commission and given an opportunity of supporting the charges so made, but did not avail themselves of it.

Under the Criminal Code every one who wilfully and knowingly publishes any false news or tale whereby injury or mischief is or is likely to be occasioned to any public interest is declared to be guilty of an indictable offence and liable to imprisonment.

While instances of the application of this provision have not been frequent, it has already been effectually made use of to punish defamatory statements regarding Western Canada. It should

be a useful procedure to punish defamatory publications regarding any City. It would be well in case there should be any instance in future where it was thought desirable to apply the clause that it be expressed in the City Charter that the City Council is authorized to instruct and defray the expense of such a prosecution, wherever it may desire to institute it.

The matters charged by Dr. Shearer in the words acknowledged by him require more extended consideration.

In the article complained of it is said that Dr. Shearer launched a strong indictment against the police officials of Winnipeg, and that he detailed circumstances which he believed to be strongly suggestive of graft. Dr. Shearer acknowledged this statement, but explained that he meant by graft the preying upon the immoral women by those who had exacted high prices for property and generally impositions made upon their class. He did not in evidence make any charge of corruption on the part of the police commissioners, the Chief of Police or any police officer. The language of the newspaper report, taken with the context, would lead any one to suppose that he had detailed circumstances which strongly suggested corruption on the part of the police. The words were no doubt read by the public in that way. No circumstances were disclosed on this inquiry which would support any such suggestion. All that need be said is that the evidence showed an entire absence of such an offence.

As to the charges recited in the resolution of the City Council that it has been stated that houses of prostitution pay for police protection, Dr. Shearer acknowledged stating to the reporters that the women paid for protection of that nature, but said that he did not mean that they paid the regular police force. The evidence showed that some of them had employed private detectives for their own security. There was no such payment to any member of the regular force.

Dr. Shearer however condemns the condition of things in Winnipeg in regard to the question of social vice, and by the Commission I am required to report upon that, as upon the other matters specifically mentioned.

The evidence shows that for a period, which Chief of Police Lafas describes as "about a quarter of a century," a number of places known as bawdy houses had been maintained in a Westerly portion of the City, being latterly on Thomas Street, and that, by reason of police action, in January, 1904, this particular nuisance was abated. This action was taken as a result of a resolution of the Board of Police Commissioners of the City passed in January, 1904, that the Chief of Police be and he was thereby instructed to take immediate steps to suppress all bawdy houses; houses of ill fame and disorderly houses in the City of Winnipeg, and to rigidly enforce the law respecting the same. This simply declared that the Chief of Police should carry out the law.

The common law of England may be thus described, using the language of an accepted authority: "It is clearly agreed that keeping a bawdy house is a common nuisance as it endangers the public peace by drawing together dissolute and debauched persons and also has an apparent tendency to corrupt the manners of both sexes by such an open profession of lewdness."

This principle was, at an early date, embodied in the Statute Law of Canada. Sections 225, 228, 238 and 239 of the Criminal Code declare the crime and impose the penalty.

It is hardly necessary to point out that the enactment of the Criminal Law rests with the Dominion Parliament and that the administration and enforcement of that law in each province is the function of the respective provincial governments. No provincial authority may alter or suspend the Criminal Law of Canada.

The Provincial Legislature, in enacting the City Charter, expressed its view on this subject, in so far as it could do so, by enacting that the City might pass bylaws not inconsistent with the provisions of any Dominion or Provincial Statute for suppressing disorderly houses and houses of ill fame.

The City ^{Council} passed upon the subject in Bylaw 1599 by declaring that no person should keep or maintain any disorderly house or house of ill fame in the City. ✓

The Board of Police Commissioners for Winnipeg is appointed under the Winnipeg Charter to govern the police force. They are empowered to make regulations for rendering the force efficient ✓

in the discharge of all its duties. It is declared by the Charter that the duties of the Constables include the special duty of preserving the peace, preventing robberies and other felonies and misdemeanors and apprehending offenders, and that the Constables are liable to all the duties and responsibilities which belong by law to constables duly appointed.

Nowhere can there be found any suggestion of authority in the Police Commissioners or any member of the force for withholding the enforcement of any law in any area in the City as against any class of offenders.

I can approach the matter and deal with the facts solely in the light of the law applicable to the matter as declared by the powers in whom that jurisdiction is by law vested.

That law does not authorise anything but entire suppression of the offence. No policy, by whatsoever name it may be known, which involves any conditional or unconditional toleration of this crime, or immunity from punishment therefor, has any recognition by the law of Canada. The Provincial and Municipal legislation on the subject in the present case both emphasize this.

The facts as disclosed by the Police Commissioners of 1909, and the Chief of Police, show that in that year there was brought about by them a condition of affairs at variance with the principle of the common law above quoted, and the statute law of Canada, as found in the Criminal Code, and contrary to the spirit of the Provincial legislation as found in the City Charter, and of the City By-law referred to.

The reasons for this action are summed up in a letter of Mr. T. ~~Mayne~~ Daly, Police Magistrate of the City, to the Board, dated April 23, 1909. There had been a conspicuous failure of justice in regard to the punishment of convicted offenders. In Mr. Daly's view, from statistics and experience, immorality in the City was largely on the increase, and he was convinced that the system in vogue during the previous five years had proved an utter failure: he said that conditions were worse than they were in January, 1904, when the houses on Thomas Street were raided, and that houses of prostitution were scattered all through the City,

notwithstanding diligence on the part of the Morality Officers: that his experience in the Juvenile Court had shown that immorality among young girls was increasing and that venereal diseases were spreading rapidly.

The Board of Police Commissioners thought that the situation thus described might be ameliorated by bringing about new conditions. They accordingly passed the following resolution; *with preamble*

"A communication was received and read from T. Wayne Daly, Police Magistrate, addressed to Alderman F.J.C. Cox, Chairman of the Board, giving a view of the morality question for the past five years and giving as the conclusion he had arrived at that the best thing the Board can do is to refer the whole matter to the Chief of Police with instructions to act in accordance with his best judgment towards relieving the City of the terrible and growing evil, also submitting a summary of immoral women convicted in Police Court since January, 1904, also a list of reputed houses of prostitution now in the City with the address of each."

Moved by Police Magistrate Daly, seconded by Alderman McKeans and resolved that the following resolution passed at the meeting of the Board of Police Commissioners on the 9th day of January, 1904, as follows:

'Resolved that the Chief of Police be and is hereby instructed to take immediate steps to suppress all bawdy houses, houses of ill-fame, and disorderly houses in the City of Winnipeg, and to rigidly enforce the law respecting the same.'

be and is hereby rescinded, and in substitution thereof be it resolved that all matters relating to the question of houses of ill-fame and dealing with immoral women be left to the Chief of Police, he to act in accordance with his discretion and best judgment."

Referring to this action of the Police Commissioners, Chief of Police McPac says: "It was their intention that I would bring about new conditions by these women getting into one locality by themselves."

Acting on this, the Chief of Police showed a copy of the resolution to one of the most prominent of the women, a woman who had been a keeper on Thomas Street, asked her if the women could be got together in one place, and told her that he had nothing to do

with the selection of the place. The Chief of Police said this woman understood, having lived under conditions that previously obtained, that they were going back to the old order of things.

The "old order of things" was that which existed on Thomas Street as already described. It may also be illustrated by the fact that at its termination in January, 1904, when the police took action, 83 women from there pleaded guilty to being either keepers or inmates of bawdy houses.

As a result of the resolution last referred to and the interview with the woman, a number of women at once acquired houses and got together on parts of Rachel and McFarlane Streets, Winnipeg, for the purpose of carrying on their immoral and unlawful traffic. ✓

This change of policy was no mere temporary expedient. It was the going back to the old order of things which had existed for 25 years. Many of the women, with the knowledge of the Chief of Police - *Purchases Houses in the area* the Chief of Police himself sending to them a man through whom the purchases might be made. These purchases were made at exorbitant prices.

The conditions imposed on the women may be described in the language of the Chief of Police as follows: They were not expected to parade the streets, to solicit on the street, nor to go up town, not to call in the uptown district, that they were not to have any manifestations of disorderly conduct, that all outward manifestations of disorderly conduct would be suppressed. ✓

A bawdy house is a house kept for the purposes of prostitution. It is not necessary to the crime that indecency or disorderly conduct should be perceptible from the exterior of the house. The observance of these conditions or regulations did not render the offence against the law any the less. ✓

The result of the matter was that in the area selected, there was a conditional license to commit a continuing offence. In view of the law as above stated, neither the Police Commissioners nor the Chief of Police had authority to permit such a state of affairs. Their duty was to see to an unremitting enforcement of the criminal law in all parts of the City.

These gentlemen sincerely thought that it was in the public interest, for the reasons expressed, that the policy known as passive

segregation of the evil should be adopted. They had no thought of abrogating or suspending the law. But any policy that involves the existence of houses of prostitution with any degree of immunity from punishment is contrary to law. If it should appear expedient that there be any such policy, authority for it would have to be obtained from the proper source.

The idea of the Commissioners was to minimize the evil. As was said: "Instead of having these festering sores all over the City, to have one open wound in one locality and then gradually close it up by degrees." ✓

How this intention was realized is illustrated by the increase in the number of houses from ~~28~~ 29 in October, 1909, to 50 in November, 1910, and by the evidence of Morality Officer Leach, from which it appears that ~~at least~~ *a number apparently not less than* 16 keepers of bawdy houses in the area were not to his knowledge engaged in the traffic in the City before this policy was adopted. ✓

Some of them had come from towns in the States or other outside places. Some had been on Thomas Street, but had not carried on this illicit business until that state of things had been resumed.

By 1st October, 1909, ~~twenty-seven or~~ twenty-nine reputed houses of prostitution had been established in the area in question. On that date, as a result of certain action of the City Council, the Police Commissioners resolved that the Chief of Police be and he was thereby instructed to strictly enforce the law respecting all disorderly houses in the City of Winnipeg.

The Chief of Police gave general instructions to his officers accordingly.

Shortly after the resolution to enforce the law, 29 charges were laid against women in this area for keeping bawdy houses. Out of this number there were then only 2 convictions, 3 cases were dismissed and 24 were withdrawn. ✓

There was, from October 1909, a marked increase in the growth of the segregated area, the number of houses having grown from 29 to 50. ✓ The evidence shows that notwithstanding this return to the policy of enforcement of the law, the regulations already adverted to were still continued in the area. After 1st October as before, instructions were given to the women forbidding noise, conspicuous lights and as

to mode of conduct. The system of reporting when inmates were out of the area and becoming disorderly was likewise continued. The only effect of these instructions or regulations seems to have been to suppress evidence which might have assisted the police in prosecution. The neighbouring residents show that conditions were as bad if not worse after October 1909 as before. ✓

The resolution of 1st October 1909 did not result in any special measure to close the houses in the segregated area. Chief of Police McRae, in his evidence, said: "I intended to limit the number and the keepers, but I was slandered and hectorred so much since that resolution that since that time there has been no attempt made to do anything but to enforce the law. The police cannot prevent these people from buying property. All the police could do is to enforce the law if sufficient evidence can be obtained to the satisfaction of the Crown prosecutor."

It is the duty of an ordinary constable to prevent offences where possible. When the Chief said he intended to limit the number he acknowledged the power to do so. It is yet to be learned that because a high police officer is criticised or even slandered by a few members of a community he may rest from the performance of an important part of his duty to the whole community.

The intention to restrict the area and the power to do so are exemplified by the closing up by raid of the police of the houses on the East side of MacFarlane Street in the summer of 1909. After October of that year the houses so vacated were re-occupied by the same class and have so continued.

Chief of Police McRae also says, in answer to question:

- Q. How is it that there are so many ^{more} houses down there now than there were in October of last year?
- A. There has been no effort made to restrict the number. There is a direct enforcement of the law and no efforts of the police have been made to deter them from buying property."

When "enforcement of the law" is referred to by the police officers in their testimony, the evidence shows that it simply means that the women are punished when guilty of violence or disorderly conduct.

Apart from the 27 abortive charges laid after the return to law enforcement, there were, during the period from October 1909

to 31st October, 1910, twenty-six charges against women within the area for keeping bawdy houses, and 23 convictions resulted therefrom. Of these 23 convictions, four were of women who had already been convicted. So that only 19 women were punished for keeping bawdy houses during the whole period of over a year, and 15 of them only once in that time. Twenty-six charges of being inmates were also during the period in question laid against women from these houses. The charges against inmates were, Inspector Leach says, just for being drunk.

The "enforcement of the law" in the above sense has not reduced the real evil, i.e. the keeping of bawdy houses. The evil has grown under it. That this is not all the police can do is shown by their own testimony. When the Thomas Street area was brought to a finish, Inspector Leach was sent there with instructions from the Chief of Police to see that they closed up. And this, although some of the women owned the property. And Inspector Leach admitted that since then, as a result of his vigilance, a number of bawdy houses in the City outside the present area were closed up and that it was difficult for such houses around the City to carry on business owing to the surveillance they were under by the Morality Department.

The Morality Officers say the number of reputed prostitutes outside of the area has been reduced to a very small number, about eight at the time of the inquiry. But Chief McPae says he thinks the number of these women ^{in the City} has been increasing because there has been so much advertising about these immoral houses that immoral women are attracted here from all over the Continent. According to the Morality Officers they have not established themselves outside of the area, for the officers say there are only eight now and it is said they are all old timers. Then where do the new arrivals locate? Inspector Knox says the increase after October 1909 was made up by inmates who started houses or by women from other towns who, he believed, understood that the district in question was a privileged district. The inspectors agree that the inmates frequently change as they move about from place to place. They average three to each house, so that there was at the time of the inquiry about two hundred women engaged in the traffic in the area.

~~In justification of the policy of passive segregation~~ It was ^{by the Police Officers} said that there were at the time of the resolution of 21st April 1909, seventy-one reputed houses of ill-fame in the City, and that the number had become reduced in October to 36, both in and out of the area. ^{was also stated} It ~~is said~~ that in October, 1909, there were 29 such houses in the area, and Morality Officer Leach says that in January 1910, there were only 15 reputed houses of prostitution approximately in the City outside of the area, and at the time of the investigation only 7 or 8. All these figures require to be taken with Inspector Knox' observation that no man in Winnipeg can tell how many prostitutes there are outside the area. Many of these offenders are transient characters. The police records show that there were from 1st October 1909, to 31st October 1910, 82 complaints of disorderly houses outside of the area and 25 convictions of women as keepers of houses of ill-fame, likewise outside of the area.

The growth of this vice district is illustrated by the telephone business done there. There are 43 telephones in the area. These are all of the class known as pay telephones. The householder guarantees a revenue of \$4.00 per month, the telephone department taking any surplus that may be found in the cash box. Officers of the department stated that this class of business was not wanted. It had in this case involved new telephone construction on the streets in question. A schedule of returns showed that while the revenue in October 1909 from the ten pay telephones then installed was \$83.80, it had grown in that period so that the number of instruments there in October 1910 was 42 with a revenue for that month of \$523.15, being the highest in the period.

It may be well at this stage to refer to certain of the matters which led the Board of Police Commissioners to pass the resolution of 21st April 1909, which instituted the segregation policy.

Mr. Daly, in his letter and also in his evidence, pointed out the failure of justice which had repeatedly occurred owing to the release on bail of convicted offenders. The release from custody in such cases was had by means of a pretended appeal, the

law providing for release on recognizances in such cases. By entering into such a recognizance before any Justice of the Peace, the discharge is secured pending the appeal. But the grievance complained of lay in the fact that worthless bail had been taken, and the offender immediately released from custody. The sureties in such a case must, under the statute, be sufficient sureties. The question of the sufficiency of the sureties is entirely for the Justice before whom the recognizance is entered into. The Justice must see that he has proof of the sureties' sufficiency. On examining into certain of the cases in which there had been such a release from custody, it was found that the Justice of the Peace there resorted to, had made no independent inquiry into the sufficiency of the proposed sureties, who were procured by the accused and were men unknown to the Justice. From their names it would appear that, in many instances where bail had been allowed, the sureties were foreigners. The Justice referred to was, in the cases dealt with by him, content with the statement of the proposed sureties as to their qualification. He did not discharge the duty of investigating the sufficiency of the proposed bail. Justices should, in such cases, at least confer with the police authorities or prosecuting counsel if they have no other way of ascertaining the responsibility of the bail.

The release of offenders in this way shakes confidence in the administration of justice. In such cases the efforts of the police officers, the trial and the conviction by the Magistrate are all made fruitless and the influence of these officers over evil doers nullified.

But forfeiting the bail was not the only remedy in such a case. When an appeal under any circumstances has been so abandoned or formally dismissed, a warrant should issue for the levy of the fine or ~~the~~ arrest of the offender, if still in the jurisdiction, to complete the term of imprisonment, as the case

may be. It appears from Mr. Daly's letter that in one case at least this was not done, and I infer that he complains of it generally as a practice that had arisen.

Such miscarriage of justice is not the fault of the law. It is the fault of the administration of the law. It is not to be wondered at that under such circumstances the women have become defiant.

It is not the duty of the Morality Officers or the Police Magistrate to look after the case in the technical stages which follow a conviction. That should be the business of the prosecuting attorney. Assuming Justices of the Peace will recognize their duty and responsibility in the matter, these failures of justice need never result if care is taken of the formal matters of the law which are not difficult, but require attention and accuracy.

Another reason that influenced the Board was that houses of prostitution had become a great nuisance in the City. That fact was emphasized by the evidence of residents in the neighbourhood of houses in other parts of the City which, up to that time, had been occupied for that purpose. They told of a most deplorable state of affairs. Domestic privacy was intruded upon by men seeking for the evil houses, respectable women were accosted on the street, drunkenness was much in evidence, conditions were unbearable for respectable people and there was an accompanying injury to the value of property. The women occupying the disorderly houses were evidently some of those who had formerly been on Thomas Street. The police from time to time prosecuted offenders, but this state of things, on certain streets in the City, continued until the area on Rachel and MacFarlane Streets was adopted.

This evidence was adduced by Counsel for the members of the Police Commission, with a view to showing that wherever such houses congregate the same conditions apply and that it is not due to ~~lack~~ of police protection. This of course depends on the

extent of the police protection. One of these witnesses said that at one period his neighbourhood was so policed that they were not bothered.

In justification of the policy of passive segregation, reference was made to another City, where it was said that condition prevailed, and that it was "so successful and quiet there that nobody thinks or knows anything about it."

The evidence on this inquiry shows that in this experiment the result was directly the opposite. No matter how ~~severe or~~ *strict* ~~well-observed~~ were the regulations imposed on the women, they were of no effect in preventing disorderly and abominably offensive conduct in the neighbourhood. One of the reasons for the keeping of a bawdy house being declared a nuisance at law is that it endangers the public peace by drawing together dissolute and debauched persons. That such is the result was abundantly proved here.

The place selected, i.e. parts of Rachel and MacFarlane Streets, was in the neighbourhood of the residence of a considerable number of highly respectable citizens. It was near the homes of residents of foreign birth. These citizens had wives and families and most of these people, both adults and children, in going to and fro between their homes and the City, whether to their work or to school, church or market, had to pass through the area in question. Several of the male residents and two respectable women gave evidence at the inquiry. It was evident that they were people who, not pretending to any rank, were of the highest respectability and exemplary citizens. The state of affairs described by them as existing since the establishment of the segregated area was shocking. It will not here use the language necessary to describe it in detail. The evidence of these witnesses is recorded in the official transcript. Their names are John Mitchell, J. W. Battershill, John Murray, John Tait, Thornton Simmons, A. E. Loader, Mrs. Morefield, Rev. Father Cherrier, Rev. J. S. Woodsworth, Mrs. Bradley and D. A. Mossack. It is necessary to peruse their evidence to understand what the residents have suffered.

The evidence showed that notwithstanding repeated and forceful

complaints by the residents, the nuisance continued unabated, conditions not being so bad in the winter months.

These sufferers are not wealthy. In some cases all their property is their home. Such depreciation has resulted from the conditions described that their property has become almost valueless and unsaleable. These men, credible witnesses, testified that these insults and annoyances which they described have continued from July 1909.

That such a state of things should have existed and so continued is a reproach to any civilized community. It is the indispensable duty of civil society to protect its members in the enjoyment of their rights, both of person and property.

It is impossible to say how serious is the evil influence on the surrounding community cast by the presence of these evil resorts. The example of conditions tolerated here as set before the foreign element is most pernicious. That vice should be flaunted before young children in the manner described by the residents is deplorable. Nothing could be more likely to produce the "juvenile offender". ~~And yet "no effort has been made to restrict the number of houses."~~

One of the charges made by Dr. Shearer is that every one of these houses is "an illicit liquor dive." The evidence showed that drunkenness was a common thing among them, that deliveries of liquor ~~there were made very frequently and that many of the keepers had been from time to time convicted of unlawfully selling liquor.~~ This evil seems invariably to be associated with these lawdy houses. The nuisance to the neighbourhood is much increased by the drunkenness.

The City police, while having legal authority to do so, have never undertaken the prosecution of offences against the License Act, the reason being that that is a matter within the jurisdiction particularly of the Provincial Officers, and it was not thought well to interfere with their work. Section 230 of the License Act as introduced by amendment in 1908 declares it shall be the duty of all municipal constables and police officers to assist in the enforcement of the provisions of the Act and for that purpose they were given all the powers of license inspectors, and one half of fines levied by means of their action were to go to the Municipality.

On 27th April, 1908, the Chief License Inspector addressed a letter to the Mayor and Chairman of the Police Commission calling attention to the amendment and asking that the City Officers join with the Department in enforcing the Act.

The Chief of Police ^{in evidence} stated that he did not know anything about the change in the law above mentioned; that he never had any occasion to look up the law. He acknowledges that the powers given in the License Act "might contribute to the lessening of the sale of liquor in a much greater degree than what it is," and that the powers of search might contribute to success in detecting other offences, such as bawdy houses. The right of search is to be founded on a warrant which can of course be granted only on reasonable grounds, but from the evidence adduced it would seem that ample ground frequently existed for the issue of such a warrant.

From the fact that the City receives substantial revenue from licenses to sell liquor, it would not seem out of place that its police force should, by special officers, if necessary, unite with the Provincial police in the prevention of illicit liquor dealing.

Dr. Shearer, after making the charge as to illicit liquor dealing, says: "Remarkable to say, the inmates receive summonses regularly each quarter from the Provincial license authorities. They come before the Provincial Magistrate and pay over \$100. and costs. Then they are not disturbed for another three months. These dives sell liquor twenty four hours a day, seven days a week and as the price of being permitted so to do, each house pays this \$400. a year."

The facts as to this charge are as follows:
Charges of this nature, i.e. for selling liquor without license, were prosecuted before Magistrate McKicken in the Provincial Police Court.

The evidence shows that when these women were so charged there was almost invariably a plea of guilty, followed by conviction and the minimum fine of one hundred dollars and costs.

Notwithstanding that the law provides a much heavier minimum for subsequent offences, increasing as the offence is repeated, this was never imposed, the penalty inflicted always being the minimum for a first offence. The maximum ~~offence~~ penalty for third

offence is \$1,000.

Convictions were had in the following months in the number stated:

June 30 or July 1909,	eighteen;
December, 1909,	nineteen;
March, 1910,	eight;
May, 1910,	nineteen;
June, 1910,	eighteen;
September, 1910,	seventeen;
November, 1910,	thirty-six.

The charges in each of these respective months were generally laid in groups, each group on the same day of the month and for offences charged on the same day. An exception took place in November, 1910, when 31 were charged and convicted at one time and 5 at another.

One of these women was convicted five times. Nine others were convicted four times; eleven others were convicted three times, and seventeen others were convicted twice. If the convictions are reckoned by each house instead of by the names of the women charged, the number of repeated offences is even higher.

The Provincial Police Magistrate explained that a force could not at all times be kept in oversight of this area and that the charges were laid at the periods when they were available for that duty. There is no adequate explanation of the imposition of the minimum fine in what is probably the worst class of offences of illicit liquor selling that can be found. The traffic was no doubt continuous and could not be stopped by penalties which it was not difficult for the offenders to satisfy.

Had the City's Police Department interested itself in this phase, even at the expense of special officers for the work, there is no doubt there would have been immediately obtained results which would have gone far to reduce the nuisance to which the illicit sale of liquor in the area gave rise.

The evidence showed that in such houses the illicit sale of liquor is a common occurrence. Section 130 of the

Liquor License Act declares that any person selling liquor by wholesale to any person whom he knows or has reason to believe to be selling liquor without license shall be guilty of an offence and punishable therefor. This is a provision that might well be applied here.

The question now arises: What is to be done? Fifty houses together in one area, of general reputation as houses of ill-fame! Their keepers known to follow that life, and many of them repeatedly convicted of illicit liquor selling. Is this state of affairs, with its accompanying nuisance as already described, to continue, subject to punishment when disorder appears, and to an occasional small fine for breach of the License Act? If not, how is it to be terminated?

There is no doubt that in this, as in most other serious crimes there is considerable difficulty in legally proving the offence.

But if ever there was an occasion when it would seem possible to secure the evidence to successfully prosecute ~~this class of offenders~~ this should be one.

That offenders of this class are crafty and astute at eluding justice is well known. They generally have the money necessary to strongly resist prosecution and take advantage of every technicality. But in view of the state of affairs revealed on this inquiry, it is not to be believed that vigilant and energetic officers could not, by quite proper means, secure the evidence necessary to convict these offenders of both classes of offence. And if penalties of imprisonment in the one case and the maximum fine, or alternative of imprisonment, in the other, were imposed, the resistance would not long endure. Even although, as is said, this evil can never be wholly eradicated in any City, there is no doubt that once ^{these} offenders of ~~this class~~ are subjected to a rigorous application of the law, the nuisance will be reduced to the lowest possible point. But the whole system must be made equally strong. Prison doors must not be opened to straw bail or because of technical objections.

It is of course difficult in the very nature of things to secure direct evidence of the main offence now under discussion. Mr. Daly pointed out that there is a wide power of search in regard to ^acertain class of disorderly houses, which did not apply in regard to supposed

bawdy houses. Section 641 of the Code declares that on a written report from a chief police officer that there are good grounds for believing that a place is kept as a common gaming house, authority may be given by a Magistrate to such officer with constables to enter and take into custody all persons found in such place and bring them before the Magistrate. The granting of such a warrant is carefully guarded from abuse. Such a provision as this would be of great assistance in suppressing this evil traffic. While this is a matter for Dominion Legislation, I have inserted reference to it here in order that, if the suggestion commends itself, it may lead to some action to obtain the necessary amendment. An amendment providing for the summary and immediate hearing of appeals from the Magistrate would be valuable. As was pointed out by Mr. Daly, the length of time during which a conviction may be unenforced pending appeal tends to defeat justice.

In the result, I have to report:

- (1.) That the charges as to vice in Winnipeg appearing as headings to the newspaper items in question are not true.
- (2.) As to the charge made by Dr. Shearer, so far as it concerns the condition of things in Winnipeg in regard to the question of social vice, I have to report that a policy of toleration of the offence in question in a limited area, with regulations as to conduct, was adopted by the Police Commissioners, that such an area was accordingly established by immoral women; that since October 1909 there was no attempt to restrict the increase of houses of vice in the area, and the number of houses of this class grew from 29 to 50.
- (3.) That illicit liquor dealing has been general and continuous in the houses in this area, and that, as already particularly shown, the law regarding the same has not been properly enforced.
- (4.) That the result of the above state of affairs has been the disturbance of peace and good order in the locality, a menace to morals and great depreciation in value of property of the neighbouring residents.
- (5.) That the above conditions were not brought about by the corruption of any police authority, and that the occupants of the houses referred to do not pay for police protection.

Respectfully Submitted
H. A. Robson.

Commissioner

11 January 1911.

